



Board of Administration Agenda Item

January 17, 2017

ITEM NAME: Full Board Hearing Final Decision – In the Matter of the Calculation of the Final Compensation of DESI ALVAREZ, Respondent, and CHINO BASIN WATERMASTER, Respondent.

PROGRAM: Employer Account Management Division

ITEM TYPE: Action

ACTION REQUIRED: Adopt Final Decision

This matter came before the Board for a Full Board Hearing on December 21, 2016. At that time, the Board determined to adopt its own decision in the matter. Pursuant to the Board's decision, staff prepared the Final Decision (see Attachment C). The track changes version of the Final Decision is included with this agenda item (see Attachment B). This Decision must be adopted by the Board in order to become effective. Adoption cannot be delayed due to the "100-day rule" in the Administrative Procedure Act.

PROCEDURAL SUMMARY

At its November 16, 2016, meeting, the Board of Administration requested a Full Board Hearing in connection with the appeal of respondent Desi Alvarez (Respondent Alvarez). The Board of Administration considered the Proposed Decision of the Administrative Law Judge and concluded not to adopt it, but instead to decide the matter itself on the record after affording the parties the opportunity for further argument.

On December 21, 2016, the Board conducted a Full Board Hearing on this matter. Counsel for Respondent Watermaster and CalPERS were present and presented oral argument. Counsel for Respondent Alvarez presented written argument only. After considering the entire record as well as oral argument, the Board voted to deny Respondent Alvarez's appeal in full.

BOARD'S RESOLUTION

RESOLVED, that the Board of Administration of the California Public Employees' Retirement System adopts Attachment C as the Final Decision of the Board concerning the appeal of respondent Desi Alvarez; RESOLVED FURTHER that this Final Decision shall be effective immediately upon the Board's adoption.

ATTACHMENTS

Attachment A: Original Proposed Decision
Attachment B: Track Changes – Final Decision
Attachment C: Final Decision

DONNA RAMEL LUM
Deputy Executive Officer
Customer Services and Support